

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

|                    |   |                                     |
|--------------------|---|-------------------------------------|
| FREDDIE WILLIAMS,  | : |                                     |
|                    | : |                                     |
| Plaintiff,         | : |                                     |
|                    | : |                                     |
| vs.                | : | Civil Action No.: 1:10-CV-087 (WLS) |
|                    | : |                                     |
| MR. RALLEY, et al. | : |                                     |
|                    | : |                                     |
| Defendants.        | : |                                     |
| _____              | : |                                     |

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed December 12, 2012. (Doc. 53). It is recommended that Defendant's Motion to Dismiss (Doc. 46) for Plaintiff's failure to properly notify the Court of his new address should be denied. (Doc. 53 at 2). No objections were filed within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1). The objection period expired on December 26, 2012. (*See* Doc. 53 at 3; Docket).

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 53) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion to Dismiss (Doc. 46) is hereby **DENIED**.

This Court also hereby denies Defendants' Motion for Reevaluation of Plaintiff's *In Forma Pauperis* Status, filed December 28, 2012. (Doc. 55). The Court finds that Plaintiff's response to Defendants' motion demonstrates that Plaintiff continues to meet the requirements of 28 U.S.C. § 1915 for proceeding *in forma pauperis*, subsequent to his release from prison.

Finally, as to Plaintiff's renewed Motion to Appoint Counsel (Doc. 56), the Court concurs with Judge Langstaff's prior denials of counsel. A review of this case demonstrates that this case is not characterized by any exceptional circumstances that might warrant the appointment of counsel. Should the need for counsel arise, the Court may later reconsider its refusal to appoint counsel. Accordingly, both Defendants' Motion for Reevaluation of Plaintiff's *In Forma Pauperis* Status (Doc. 55) and Plaintiff's Motion to Appoint Counsel (Doc. 56) are **DENIED**.

### **CONCLUSION**

For the foregoing reasons, Plaintiff's Complaint (Doc. 3) may proceed against Defendants Officer Jason White, Officer Paul Harris, Officer Steven Alexander, Monika Dawsey, Officer Nathan West, Sergeant Elfondrick Lumpkin, Sergeant Curtis Johnson, and Lieutenant Willether Brown. The Court expects to notice this case for trial during the April 2013 Albany Trial Term. The Parties will receive a Notice of Pretrial Conference indicating that this case is officially designated for the April 2013 Trial Term.

**SO ORDERED**, this 28<sup>th</sup> day of January, 2013.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,  
UNITED STATES DISTRICT COURT**